

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:05CR00480 ERW |
| |) | (TCM) |
| TYRONE RODERICK HILLIARD, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter is before the Court upon the Report and Recommendation of United States Magistrate Thomas C. Mummert [doc. #57] pursuant to 28 U.S.C. § 636(b). On February 2, 2006, Defendant filed an Objection to the Report and Recommendation [doc. #60]. The Report and Recommendation recommends that Defendant's Motion to Suppress Evidence [doc. #49] and Motion to Suppress Statements [doc. #49] be denied.

"[W]hen a party objects to the report and recommendation of a magistrate judge concerning a dispositive matter, '[a] judge of the court shall make a de novo review determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003) (quoting 28 U.S.C. § 636(b)(1)). In this case, Defendant has presented only a generalized objection to the Report and Recommendation and requests a de novo review.¹ He has not specified any portion of the report or

¹Defendant's Objection states as follows:
Defendant requests that the District Court ma[k]e a de novo determination of said motion. Defendant incorporates by reference herein his previously filed motions and all memoranda in support previously filed. Defendant objects to all Orders, Recommendation, and Reports of the United States Magistrate which deny said

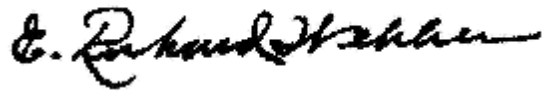
proposed findings which he believes are in error. In any event, the Magistrate did not err in denying Defendant's Motions. First, the Motion to Suppress Evidence will be denied because: (1) it was reasonable for Officer Church to believe that Ms. Cole resided in the residence and that she consented to and orchestrated the search of the residence on February 15, 2005; (2) Defendant was lawfully arrested on August 17, 2005 based on probable cause; (3) Defendant's home was lawfully searched on August 17, 2005, and all objects were lawfully seized; and (4) Defendant was lawfully searched pursuant to his arrest. Second, the Motion to Suppress Statements will be denied because Defendant was fully informed of his rights at all times, was not forced, was not coerced, and was not threatened. Further, no promises were made to him.

The Court has considered the Report and Recommendation and hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation in its entirety.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Suppress Evidence [doc. #49] and Motion to Suppress Statements [doc. #49] are **DENIED**.

Dated this 2nd day of March, 2006.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

motions.

Generally, this kind of objection does not warrant *de novo* review. *See, e.g., U.S. v. O'Neill*, 27 F.Supp.2d 1121, 1126 (E.D. Wis. 1998).